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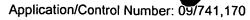
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,170 12/21/2000		Sang On Park	0465-0791P 6704	
2292	7590 10/16/2002			
	WART KOLASCH	EXAMINER		
PO BOX 747 FALLS CHU	RCH, VA 22040-0747	PSITOS, ARISTOTELIS M		
			ART UNIT PAPER NUMBER	
			2653 DATE MAILED: 10/16/2002	7

Please find below and/or attached an Office communication concerning this application or proceeding.

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		Application	Applicant(s)					
		09/741,17	70	PARK, SANG ON				
	Office Action Summary	Examiner	•	Art Unit				
		Aristotelis		2653				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply								
A SHO THE N - Exten after S - If the - If NO - Failur - Any re	DRTENED STATUTORY PERIOD FOR MAILING DATE OF THIS COMMUNICA sions of time may be available under the provisions of 37 (SIX 6) MONTHS from the mailing date of this communic period for reply specified above is less than thirty (30) da period for reply is specified above, the maximum statutor e to reply within the set or extended period for reply will, apply received by the Office later than three months after the dispatch term adjustment. See 37 CFR 1.704(b).	TION. 7 CFR 1.136(a). In no evaluation. 1ys, a reply within the stating period will apply and with the stating period with the stating per	ent, however, may a reply buttory minimum of thirty (30) ill expire SIX (6) MONTHS filication to become ABANDO	e timely filed days will be considered timely. rom the mailing date of this commu	nication.			
1)⊠	Responsive to communication(s) filed	on 22 July 2002						
2a)⊠	•	☐ This action is	non final					
3)□	•			procedution on to the m	arita ia			
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims								
4)⊠	Claim(s) <u>1-20</u> is/are pending in the app	lication.						
4	4a) Of the above claim(s) is/are withdrawn from consideration.							
5)□	5) Claim(s) is/are allowed.							
6)⊠	6)⊠ Claim(s) <u>1-20</u> is/are rejected.							
7)	Claim(s) is/are objected to.							
8)[Claim(s) are subject to restriction	n and/or election r	equirement.					
• •	on Papers							
	he specification is objected to by the Ex		_					
10)⊠ The drawing(s) filed on <u>23 <i>July 2002</i></u> is/are: a)⊠ accepted or b)⊡ objected to by the Examiner.								
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).								
11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.								
If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner.								
	nder 35 U.S.C. §§ 119 and 120	the Examiner.						
		foreign priority ur	odor 25 II S C S 11	2(a) (d) or (f)				
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:								
	·	cuments have hee	n received					
	 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 							
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.								
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).								
a) ☐ The translation of the foreign language provisional application has been received. 15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.								
Attachment(s)								
2) 🔲 Notice	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO- nation Disclosure Statement(s) (PTO-1449) Paper			nary (PTO-413) Paper No(s) nal Patent Application (PTO-15				



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DETAILED ACTION

Priority

1. Applicant's response of 7/23/02 has been considered with the following results.

Drawings

The corrected or substitute drawings were received on 7/23/02. The examiner approves these drawing corrections.

Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in-
- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).
- 3. Claims 1-4, 13-17 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoshida et al.

applicant's attention is drawn to col. 3, lines 20 through 56. The examiner interprets the reading of the wobbled signal prior to the recording and reproducing areas on the disc as meeting the limitations of the first step in claim 1. Applicants attention is also drawn to the system figure as found in figure 3 and the disclosure thereof which clearly indicates a phase locked loop signal ability and the spindle rotating speed. Both the method and apparatus claims as identified above are considered met by this document.

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Response to Arguments

1. Applicant's arguments filed 7/23/02 have been fully considered but they are not persuasive. As far as the claimed invention defines positive steps, the examiner maintains the previous rejection. It is incumbent upon any optical reproducing system to first detect a signal, and subsequently perform any signal processing, hence the wobbling signal is first DETECTED, and SUBSEQUENTLY signal processing occurs, such as TE.

Claim Rejections - 35 USC § 103

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 5. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
 - 1. Determining the scope and contents of the prior art.
 - 2. Ascertaining the differences between the prior art and the claims at issue.
 - 3. Resolving the level of ordinary skill in the pertinent art.
 - 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
- 6. Claims 7 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al considered with Naito.

With respect to these claims, the Yoshida et al. reference is relied upon for the reasons stated

- ✓ above. Although it is not clear whether a free running state is first established in this document, the ability
 of such and subsequently having the tracking servo engaged is taught by the secondary reference to
- ✓ Naito, see figure 11 for instance and its description.



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It would have been obvious to one of ordinary skill in the art to modify the basic system of Yoshida et al. with the above teachings from a Naito motivation to permit, and initialization state for the spindle motor, the free running state. The limitations of the depending claims are considered inherently present in the primary reference and no further explanation is given.

Response to Arguments

2. Applicant's arguments filed 7/23/02 have been fully considered but they are not persuasive. The examiner maintains the previous position. Again, as far as the claimed limitations are concerned, the secondary reference depicts/teaches the ability required in step (b).

Conclusion

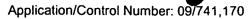
3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M Psitos whose telephone number is (703) 308-1598. The examiner can normally be reached on M-Thursday 8 - 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (703) 305-6137. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Aristotelis M Psitos Primary Examiner Art Unit 2653

AMP October 10, 2002